

Remarks [Revised in view of the 06/16/06 Notice of Non-Compliance)

The text of each of the claims 4, 5, and 6, which have the status of being “withdrawn”, is now included herein in both the **marked-up** and **clean versions**. It is submitted that these claim corrections made in both versions obviate the non-compliance to Rule 121 (c).

Important Notice Do **NOT** include either of the two Nomenclature Lists as a page for an ensuing Letters Patent. on this application. They have not been numbered as a page in the specification and are merely aids to the Examiner for referencing between written specification and the drawing when examining the application..

The specification has been amended to obviate typographical and erroneously-placed reference characters which did not match elements in the drawing. Further there was confusion as to which elements the reference characters related to in the drawing and as to which reference characters in the drawing related to what elements in the specification. With the amended specification, the accompanying drawing’s “REPLACEMENT SHEETS”, and the attached **Up-dated** Nomenclature included therewith under the cover of the 1.8 Certification of Mailing , it is submitted that no such confusion now exists, that the Appln’s disclosure is clear and understandable, and that new matter has not been introduced into the appl’n.

Allowable claims 1, 2, 9 - 12 were amended to the extent of reciting - - standard means - - rather than “standard” throughout their [[its]] language to provide for a reasonable scope of protection warranted by the invention. Allowable claim16 was corrected due to the typographical erroneous spelling of - - shiftable - -.

As to the rejections of claims 13 – 15 under the authority of **35 USC 112, 2nd parag. [O.A., Page 2, item 4]**:

a) in claim 13: “its one”, line 4, has been replaced by - - at a first end - - . To retain definiteness, in line 25, “its other” has been replaced by - - a second - - , so that each of the ends of the recited “arm” in the claim is distinctly recited from one another.

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b) in claim 14: “its” is no longer recited in the amended claim, and the claim’s sentence structure, it is submitted is now definite.

c) although no specific language in claim 15 has been indicated in this rejection, as it depends on claim 14, unless otherwise informed, the noted correction of claim 14 is the basis for the rejection of this claim which now is definite as is claim 14. It may be noted that the term “shaftable” in original claim 14 has been changed to - - shiftable - - , clearly a typographical error

As to the rejection of claims 13 – 15 being anticipated by the teaching of **Roth** # 5,358,266, under the authority of **35 USC 102(b)**.

Amended claim 13 calls for a pivotal arm (232), FIG. 3, pivotally mounted about standard means for a frame (214), it being a first-class lever, such as the **Roth** (46), however, the claim also calls for a second-class lever (204) which is not taught by **Roth** ‘266. Applicant’s second-class lever is actuated by actuation of the pivotal arm to seat bearing (215) on the (217).

It is submitted that the characterization of the **Roth**’266 bracket (41) as a platform is erroneous. His bracket secured to his frame (14) supports pivotal brake support (42) on a pin (43). His pins (43) and (48) and brake device (42) remain in physical attachment to bracket 41 and do not separate themselves from bracket 41 as is done by applicant’s bearing (215) which is not attached to his frame (41). And it is important to note also that **Roth**’266 does not raise or lower his wheelchair (45) in the operation of his braking and releasing arrangement to brake device (42).

Undersigned counsel regrets that the June 6th Rule 111 Amendment (filed June 12th) did not comply with CFR 1.121 (c) as to not including the text for claims 4, 5, and 6 with their status identifier “withdrawn”. However, as the matter has turned out, this paper also corrects the appl’n’s disclosure in other respects and which if not, an [[its]] ensuing Letters Patent would have been definitely confusing to its reader, all, it is submitted, not requiring another search or examination introducing the new claims.

Wherefore, it is submitted that this Complying Amendment places the application in condition for Allowability and Allowance, passage to which is earnestly solicited.

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Respectfully,

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Up-dated Nomenclature

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200	apparatus	
201		
202	mechanism	
203		
204	2 nd class lever	
205	pivot mount	
206	block, FIGS. 3, 4	226
207		227 solenoid
208		228 shaft of solenoid
209	casting	229 flanged support bar
210		230 backing plate
211		231 link on 227
212		232 pivotal arm= 1 st class lever
213		233 foot pedal
214	frame	234 link
215	bearing (roller)	235
216	free end on 215	236
217	platform or ledge	237 other end of 232
218		238
219		239 split clamp
220	sleeve	240 cap screws
221	threaded standard	241 fulcrum FIGS 3, 4
222	standard bore (spec, pg 5 line 8)	
223	bore handle	
224	handle	
225	caster assembly	

Following is the **marked-up version** of the claims.

1. (currently amended)

A mechanism for re-cocking from its non-operational position a
shifted frame of an apparatus in which the apparatus becomes operational
comprising

[[a]] standard means connected to the frame,

latching means mounted on said standard means,

a second-class lever having a point of resistance and being pivotally-connected
to said frame,

a bearing member mounted at the point of resistance of said second-class
lever,

said bearing member adapted for seating on said latching means to re-cock
the shifted frame from its non-operational to its operational position in
the pivotal motion of its second-class lever, and

pivotal means connected to said standard means for seating said bearing
member on said latch means,

whereby actuation of said pivotal means raises the frame to thereby
seat said bearing member on said latching means thereby re-
cocking the apparatus into its operational position.

2. (currently amended)

The mechanism of claim 1 wherein

said pivotal means comprises

arm means pivotally mounted on said standard means and having a first free end and
a pivotal link connecting said arm means at its first free end to the frame.

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3. (original)

The mechanism of claim 2 wherein
said arm means includes a second free end for its actuation.

4. (withdrawn)

The mechanism of claim 1 in combination with an apparatus for testing the coefficient of friction of a surface of a road,
said apparatus including a frame having a member,
said mechanism operatively connected to said member.

5. (withdrawn)

The combination of claim 4 including
a means for releasing said latching means from its cocked mode in the operation of
said apparatus.

6. (withdrawn)

The combination of claim 5 wherein
said releasing means comprises solenoid means operatively connected to said
second-class lever at its point of resistance.

7. (original)

The mechanism of claim 1 wherein
said latching means comprises
a platform and a bearing.

8. (original)

The mechanism of claim 7 wherein
said bearing is a roller bearing.

9. (currently amended)

The mechanism of claim 8 wherein
said latching means is adjustable on said standard means.

10. (currently amended)

The mechanism of claim 7 wherein
said latching means is adjustable on said standard means.

11. (currently amended)

The mechanism of claim 7 including
means for adjusting said latching means on said standard means.

12. (currently amended)

The mechanism of claim 11 wherein
said adjusting means comprises
a threaded sleeve fixed to said standard, said standard means being threaded.

13. (currently amended)

A re-cocking mechanism to re-set into its operational mode a shifted apparatus
having a frame and [[a]] standard means, comprising
a pivotal arm operatively connected through [[the]] said standard means to the
apparatus, and having at a first ~~its one~~ end a link adapted to link to a member
on the frame,
a second-class lever pivotally mountable and operatively connectable to the
frame,
latching means in the form of a platform mountable on [[the]] said standard means ,
a bearing on said second-class lever at its point of resistance for seating on
said platform thereby cocking said mechanism by which the apparatus is
re-set,
said pivotal arm actuable at a second ~~its other~~ end for causing said bearing to latch
onto said platform thereby re-setting the apparatus.

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14. (currently amended)

The re-cocking mechanism of claim 13 in combination with a shiftable apparatus, said apparatus including means for releasing said bearing from its latched seat on said platform in ~~[[its]]~~ operation of said apparatus ~~[[and]]~~ whereby said apparatus shifts to a non-operational position upon actuation of said releasing means.

15. (original)

The combination of claim 14 wherein said releasing means comprises a solenoid operatively connected to said second-class lever.

16. (original)

The mechanism of claim 1 in combination with an apparatus shiftable ~~shiftable~~ as a result of its operation in a cycle or step of such operation, said apparatus including a frame having a member, said mechanism operatively connected to said member.

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